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 ALEX CAINE and the CITY OF SAN PABLO

8  
 9 UNITED STATES DISTRICT COURT  
 10  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 CHRISTIAN J. BRACKO,

13 Plaintiff,

14 vs.

15 ALEX CAINE; CITY OF SAN PABLO;  
 and DOES 1-10, inclusive,

16 Defendants.

17 Case No. C08-00239 JL

18  
**[PROPOSED] ORDER GRANTING  
 DEFENDANTS' MOTION TO DISMISS  
 PLAINTIFF'S STATE LAW CAUSES OF  
 ACTION**

19 Date: July 2, 2008

20 Time: 9:30 a.m.

21 Dept.: Courtroom F, 15<sup>th</sup> Floor

22 Judge: Hon. James Larson

23 On July 2, 2008, at 9:30 a.m., Defendants ALEX CAINE and the CITY OF SAN  
 24 PABLO'S (collectively "Defendants") motion to dismiss all of Plaintiff's state law claims came  
 25 on regularly for hearing. After full consideration of the briefing, the arguments of Plaintiff's and  
 defense counsel, and the pleadings on file on this case, the Court hereby GRANTS Defendants'  
 motion in its entirety.

26 Defendants Alex Caine and the City of San Pablo moved for dismissal of all of Plaintiff's  
 27 state law claims in Plaintiff's Second Amended Complaint in this action pursuant to Federal Rule  
 28 of Civil Procedure 12(b)(6).

29 Defendants are entitled to dismissal of all state law claims in Plaintiff's Second Amended  
 30 Complaint, including the 2<sup>nd</sup> through 10<sup>th</sup> causes of action, because Plaintiff failed to state claims  
 31 under California law upon which relief may be granted, inasmuch as Plaintiff's state law claims

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1 are barred as untimely under the California Government Tort Claims Act, specifically California  
2 Government Code § 911.2.

3 Accordingly, Defendants' motion is GRANTED and all of Plaintiff's state law claims for  
4 the 2<sup>nd</sup> through 10<sup>th</sup> causes of action are DISMISSED, with prejudice.

5 IT IS SO ORDERED.

6 Dated: \_\_\_\_\_

7 HON. JAMES LARSON  
8 United States Magistrate Judge

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